S.B.Cr.Misc. Bail App. No.5356/2007

(Narendra vs. State of Rajasthan)

Date of order : November 19, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Sanjay Mathur, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioner that in the statement of the prosecutrix recorded under section 164 Cr.P.C. by the Additional Chief Judicial Magistrate, she has not levelled allegation of rape against the present petitioner. This fact has not been disputed by the learned Public Prosecutor.

In view of the statement of the learned counsel for the petitioner, which has not been disputed by the learned Public Prosecutor and the fact that there is no allegation of rape against the petitioner having regard to the facts and circumstances of the case, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Narendra s/o Mohan Das be released on bail in FIR No.91/2007, P.S., Chitari, Distt. Dungarpur provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-